

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

ENERGIZER BRANDS II LLC,
ENERGIZER HOLDINGS, INC.,
ENERGIZER MANUFACTURING,
INC., and AMERICAN COVERS, LLC,

Plaintiffs,

vs.

PARADISE AIR FRESH, LLC, MARC
FUNDERLICH, and RYAN SIMONS,

Defendants.

Civil Action No. 4:19-cv-00429

JOINT STIPULATED MOTION TO STAY LITIGATION PENDING MEDIATION

Plaintiffs Energizer Brands II LLC, Energizer Holdings, Inc., Energizer Manufacturing, Inc., and American Covers, LLC (collectively, “Plaintiffs”) and Defendants Paradise Air Fresh, LLC, Marc Funderlich, and Ryan Simons (collectively, “Defendants”) (Defendants and Plaintiffs collectively, the “Parties”) hereby jointly stipulate to and respectfully request that the Court stay the proceedings in this case and any filing or briefing deadlines therein to allow the parties to focus on formal mediation, to occur within the next 90 days.

On July 11, 2019, Plaintiffs filed a First Amended Complaint. Defendants’ answer or responsive motion is due on July 25, 2019. Both before and after Plaintiffs filed the First Amended Complaint, the Parties were engaged in informal settlement discussions. Both parties are cautiously optimistic that they will be able to reach a settlement.

In order to facilitate settlement discussion, the Parties have now agreed to participate in formal mediation (the “Mediation”) in the hopes of resolving this dispute without further judicial intervention and use of judicial resources. The Parties have jointly agreed on the selection of Leslie

Lott, of Lott & Fischer, as mediator and are currently working to schedule the Mediation. The Parties expect the Mediation to occur within 90 days, with an exact date to be decided upon within the next few weeks. Due to the prior trial commitments and business travel schedules of counsel for Plaintiffs, the parties anticipate they may need at least 60 days for the Mediation to occur. Out of an abundance of caution the Parties respectfully request that the proceedings be stayed for 90 days while the Mediation and the Parties' negotiations continue. The Parties will endeavor to mediate as soon as possible. The stay will assist the Parties in focusing on mediation and moving toward an amicable and mutually agreed upon solution to their dispute.

Thus, in the interest of efficient administration of justice and to avoid incurring additional unnecessary litigation expenses, the Parties respectfully request that the Court grant this joint motion and stay all deadlines in this case for 90 days. This request is not made for the purposes of delay and the Parties assert that no prejudice will be caused due to this stay. The Parties will provide the Court with a status report within seven (7) days of completion of the Mediation, and in any case, no later than October 22, 2019, and if the mediation is unsuccessful, the Parties will also submit a joint proposed schedule for Defendants to file their answer or responsive motion to Plaintiffs' Amended Complaint along with their status report.

WHEREFORE, for the foregoing reasons and good cause shown, the Parties respectfully request that the Court grant the Parties' motion to stay.

DATED: July 24, 2019.

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Respectfully submitted,

/s/ Jennifer Fairbairn Deal

Herbert R. Giorgio Jr., Missouri Bar #58524
Matthew G. Minder, Missouri Bar #61686
BRYAN CAVE LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750
(314) 259-2417 (telephone)
(314) 552-8417 (facsimile)
herb.giorgio@bclplaw.com
matt.minder@bclplaw.com

William H. Brewster (admitted *Pro Hac Vice*)

Jennifer Fairbairn Deal (admitted *Pro Hac Vice*)

KILPATRICK TOWNSEND &
STOCKTON LLP
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309
Telephone: 404-815-6500
Facsimile: 404-815-6555
bbrewster@kilpatricktownsend.com
jdeal@kilpatricktownsend.com

Counsel for Plaintiffs Energizer Brands II LLC, Energizer Holdings, Inc., Energizer Manufacturing, Inc., and American Covers, LLC

/s/ Michael W. Marcil

Matthew A. Jacober (MO. 51585)
LATHROP GAGE, LLC
7701 Forsyth Blvd.
Suite 500
Clayton, MO 63105
Telephone: (314) 613-2845
Email: mjacobер@lathropgage.com

Michael W. Marcil (admitted *Pro Hac Vice*)
GUNSTER, YOAKLEY & STEWART, P.A.
450 East Las Olas Blvd.

Suite 1400
Ft. Lauderdale, FL 33001-4206
Telephone: (954) 462-2000
Email: MMarcil@gunster.com

Christopher Benvenuto (admitted *Pro Hac Vice*)
John W. Terwilleger (admitted *Pro Hac Vice*)
GUNSTER, YOAKLEY & STEWART, P.A.
777 South Flagler Drive
Suite 500 East
West Palm Beach, FL 33401
Telephone: (561) 655-1980
Email: CBenvenuto@gunster.com
JTerwilleger@gunster.com

Counsel for Defendants Paradise Air Fresh, LLC, Marc Funderlich and Ryan Simons

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2019, I electronically filed and serviced the foregoing Motion with the Clerk of the Court using CM/ECF on counsel for Defendants.

/s/ Jennifer Fairbairn Deal
Jennifer Fairbairn Deal